

FALKIRK COUNCIL

Subject: FORMATION OF SINGLE FAMILY TRAVELLERS SITE
COMPRISING 2 STATIC CARAVANS, ANCILLARY PARKING &
HARDSTANDING, SEPTIC TANK, ERECTION OF
WALLS/FENCES AND STORAGE UNITS (RETROSPECTIVE)
AT HAYFIELD FARM, BONNYBRIDGE FK4 2ET FOR JOHN
REID - P/11/0611/FUL

Meeting: PLANNING COMMITTEE

Date: 19 June 2012

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert
Councillor Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Council: Bonnybridge

Case Officer: Brent Vivian (Senior Planning Officer), Ext. 4935

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks full retrospective planning permission for the use of land to form a single family gypsy/travellers site and associated development.
- 1.2 The application site has been developed as a permanent gypsy/traveller site and includes two static caravans, storage units and parking for vehicles and touring caravans. The site is triangular in shape and lies between Beam Road and the Rowantree Burn. There are mature trees between the site boundary and the burn. The applicant has advised that the majority of the site was previously used for tipping and that material was removed and the site filled with imported hardcore to regulate the levels.
- 1.3 The site layout plan submitted with the application indicated an extension of the site to the north of the boundary shown in the previous planning application (refer to section 2.2 of this report). An amended site layout plan was subsequently submitted to reflect the correct size of the extension. The objectors to the application were notified of the amended site layout plan.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application requires consideration by the Planning Committee as it has been called in by Councillor Buchanan.

3. SITE HISTORY

- 3.1 Planning application ref: P/09/0190/FUL for the formation of a single family travellers site, comprising two static caravans, ancillary parking and hardstanding, installation of a septic tank and erection of walls/fences and a storage unit was refused in September 2010. The reasons for refusal were: firstly, it had not been demonstrated that the site would be free of significant flood risk or, as a consequence of land raising, would not increase the level of risk to existing development at other locations; and secondly, the development would have an adverse effect on the character, appearance and amenity of the area, arising in particular from its proximity to the public road, and which would not be adequately mitigated by the proposed landscape measures.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have detailed their requirements in relation to construction of the vehicular access and provision of adequate visibility along the site frontage. They note that the flooding information submitted with the application falls short of a basic flood risk assessment but accept that there is little to be gained from a more detailed assessment of the Rowan Tree Burn. Given the relatively steep channel of the burn, they accept that even extreme flood events are unlikely to impact the site and they are content that there are unlikely to be any significant risks from pluvial or groundwater flooding. Based on the information submitted by the applicant, they accept that the land raising undertaken would have a minimal impact on the risk of flooding elsewhere.
- 4.2 Scottish Water have no objection to the application.
- 4.3 The Environmental Protection Unit have advised that they have no record of any potential source of land contamination within the site or in close proximity to the site.
- 4.4 SEPA have referred the Council to their standing advice given that the application is for a small-scale local development. This advice covers a range of matters, including waste water drainage, surface water drainage and their regulatory functions.
- 4.5 The Travelling Persons Officer has advised that she has nothing further to add to her comments to the previous application (ref: P/09/0190/FUL). She previously advised that she has dealt with the applicant and his family for over 10 years, as they have always had a connection with Falkirk and have relatives living in the area. The family decided to purchase the site in 2007 so that they could live with their daughter and grandchildren on their own site and retain their culture and way of life, as an alternative to the provision at a local authority site.

5. COMMUNITY COUNCIL

- 5.1 Bonnybridge Community Council have objected to the application. They note that the development has already been refused and are concerned that the development has increased in size since the last application. They consider that the development is against the Local Plan and totally inappropriate for the Green Belt.

6. PUBLIC REPRESENTATION

6.1 Four objections were originally received to the application. A further three objections were received following re-notification of the application. The grounds for objection can be summarised as follows:-

- The site was previously refused planning permission;
- The site has been allowed to expand;
- The land was previously part of Hayfield Farm and was therefore farmland which cannot normally be used to live on;
- Concerns regarding the number of travellers sites being formed around this area;
- The travellers sites in the area have a detrimental effect on the countryside;
- The site has no running water or electricity; and
- The septic tank is not the required distance from the watercourse.

7. DETAILED APPRAISAL

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 The development is not considered to have any strategic implications therefore the policies of the approved Structure Plan are not relevant.

Falkirk Council Local Plan

7a.2 Policy EQ19 - 'Countryside' states:

“(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:

- *it can be demonstrated that they require a countryside location;*
- *they constitute appropriate infill development; or*
- *they utilise suitable existing buildings.*

(2) *In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:*

- *the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
- *building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council's 'Design Guide for Buildings in the Rural Areas'; and*
- *boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species."*

7a.3 Part 1 of the policy lists in table 3.3 the specific policies that will apply to development proposals in the countryside. The specific policy of relevance in this instance is Policy SC4A (Gypsy Travellers' Sites). The application is assessed against this policy in this report.

7a.4 Part 2 of the policy indicates that, in circumstances where the relevant specific policy is met, the scale, siting and design of development will be strictly controlled. In this instance, the development makes use of existing riparian planting to help integrate it into the landscape, and avoids skylines. In addition, new planting is proposed to further screen the development (over time) and help integrate it into its countryside setting. Whilst the caravans are not particularly sympathetic to vernacular building design, the setting of the development and the proposed landscaping assist to mitigate this impact. Overall, the application is considered to accord with this aspect of the policy.

7a.5 Policy SC4A - 'Gypsy / Travellers' Sites' states:

"Proposals for small privately-owned sites to accommodate gypsy / travellers will be permitted where:

- (1) *The site satisfies policies in the Local Plan relating to the protection of the built and natural heritage (EQ12-EQ30) and the protection of the public open space (SC12);*
- (2) *The site can be appropriately landscaped, such that there will be no adverse effect on the character, appearance and amenity of the area;*
- (3) *The site affords an appropriate level of residential amenity and access to community facilities; and*
- (4) *Access, parking and other servicing can be provided to a satisfactory standard, and the site is not at risk from flooding, in terms of Policy ST12."*

7a.6 This policy states that small privately owned sites to accommodate gypsy/travellers will be permitted where four criteria are satisfied. Criterion 1 requires the development to satisfy the Local Plan policies relating to the built and natural heritage (Policies EQ12 - EQ30). There are not considered to be any issues in respect of these policies.

7a.7 Criterion 2 relates to appropriate landscaping to ensure there would be no adverse impact on the character, appearance and amenity of the area. In this instance, the site is set against the existing mature planting and new planting is proposed to enhance the appearance of the site and provide additional screening. It is considered that the development can be appropriately landscaped to ensure there would be no adverse effect on the character, appearance and amenity of the area.

7a.8 Criterion 3 is considered to be satisfied. It is accepted that the site affords an appropriate level of residential amenity and access to community facilities. With regard to criterion 4, it is considered that satisfactory access, parking and other servicing can be provided. With regard to flooding, the application has been assessed in this report as complying with Policy ST12.

7a.9 The application is therefore considered to accord with this policy.

7a.10 Policy ST12 - 'Flooding' states:

"In areas where there is significant risk of flooding, there will be a presumption against new development which would be likely to be at risk, would increase the level of risk for existing development or would be likely to require high levels of public expenditure on flood protection works. Applicants will be required to provide information demonstrating that any flood risks can be adequately managed both within and outwith the site."

7a.11 The application site adjoins the Rowan Tree Burn and there is an unnamed burn to the west of the site. The applicant has submitted a cross section of the Rowan Tree Burn adjacent to the site and compared it to a road culvert upstream. On this basis, he asserts that flood levels in the burn will not impact on the site, given a site level of 1.6 metres above normal water level. Floor levels of the caravans are more than 0.6 metres above the site level. In addition, the applicant has advised that he has installed drains to eradicate ponding at the western boundary of the site.

7a.12 The Council's flood consultants have reviewed the flood information submitted with the application and note that it falls short of a basic flood risk assessment. In particular, no hydraulic analysis of the Rowan Tree Burn has been undertaken, there is no assessment of flood risk from the west of Beam Road and a proposed design flood level for the site is not given. It is therefore not known whether the 200 year flood level is above or below the ground levels of the site and the floor levels of the caravans, and no assessment of freeboard above the design event can be made (whilst the SEPA flood map does not indicate that the site and surrounding area is at risk of flooding during the 1 in 200 year flood event, this may be due to the small size of the catchment not having been mapped).

7a.13 The Council's flood consultants do, however, accept that even extreme events are unlikely to impact on the site, given the relatively steep channel of the Rowan Tree Burn. In addition, whilst the drains installed by the applicant would not carry flows from an intense storm, they accept that only shallow surface flooding would result from such an event and the peak flow would be of comparatively short duration. The nature of the use, for caravans, is also material. In this regard, the applicant has advised that, if the site was subject to flooding, a motor truck is available to the family to remove the caravans from the site by towing. In addition, the Council's flood consultants accept, based on the information submitted by the applicant, that the amount of land raising undertaken on the site would not have an impact on flood risk elsewhere.

7a.14 Overall, taking into account the site levels relative to the adjoining burn, the available freeboard (the difference between the site levels and the caravan floor levels), the nature of the use and the minimal impact of the land raising, the application is considered to accord with this policy.

7a.15 Accordingly, the application accords with the Development Plan.

7b Material Considerations

- 7b.1 The material planning considerations in respect of this application are National Planning Policy Guidance, relevant reports and guidance adopted by the Scottish Government, the consultation responses, the planning history and the representations received.

National Planning Policies and Guidance

Gypsy/Travellers

- 7b.2 Scottish Planning Policy (February 2010) states that '*Planning Authorities should identify suitable locations for meeting the needs of Gypsies and Travellers and set out policies about small privately owned sites*'.
- 7b.3 The adopted Falkirk Council Local Plan contains a specific policy (Policy SC4A) to assess small privately owned gypsy/traveller pitches. The application is assessed against this policy in this report.
- 7b.4 Scottish Planning Policy does not define the size of sites or the number of pitches that might constitute 'small'. However, in terms of pitch size, it is considered that this will depend on the size of individual families and their particular needs. A pitch will normally require hard standing for a mobile home(s), touring caravan(s) and a utility building, together with space for parking.
- 7b.5 In this instance, the size of the pitches would appear to be proportionate to the needs of the families. The site layout plan indicates two pitches, each with a static caravan, a storage unit and parking spaces. In addition, there is a separate yard for parking, including visitor parking.

Flooding

- 7b.6 Scottish Planning Policy (February 2010) indicates that planning authorities must take flood risk into account when determining planning applications. The policy recognises that all land is to some degree susceptible to flooding but that development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere should not be permitted.
- 7b.7 The policy sets out a framework which divides flood risk into three categories (little or no risk, low to medium risk and medium to high risk) and details factors that should be taken into account in applying the risk framework. These factors include the characteristics of the site, the use and design of the proposed development, the characteristics of the likely flooding and the allowance for freeboard. For the reasons detailed in this report, the application is considered to be supported by Scottish Planning Policy.

Relevant Reports and Guidance

- 7b.8 Relevant reports and guidance adopted by the Scottish Government are: the Secretary of State's Advisory Committee for Scotland's Travelling People (ACSTP) Guidance Notes for Site Provision for Travelling People (GNSPITP), 1997; the terms and recommendations of the ACSTP'S Ninth and Final Report of the Advisory Committee on Scotland's Travelling People, 1998 - 1999; and the Scottish Parliament Equal Opportunities Committee 1st Report 2001, Inquiry into Gypsy Travellers and Public Sector Policies (IGTPSP).

- 7b.9 The GNSPTP states at paragraph 2.3 that '*Applications for Planning Permission from Travellers in respect of private sites should be sympathetically considered*'. Paragraph 2.4 states '*The principal task continues to be the provision of long stay sites*'. Paragraph 3.1 states '*Site selection can be affected by the need to find the location which is least unacceptable to the settled community*'. Criteria for choosing a location include: accessibility; provision of services; proximity to the settled community; the nature of the site; proximity to employment, schools and community services; and provision for Gypsies/Travellers in neighbouring areas.
- 7b.10 With respect to these criteria, the application site is a reasonable distance from the nearest settlement (Bonnybridge) whilst being sufficiently close for ease of access to local facilities and services. The applicant has advised that the family is registered with Bonnybridge Health Centre and that one of the children resident at the site attends a local primary school, whilst two other of the children attend a local nursery. It is acknowledged that there is an existing (larger) gypsy travellers' site in the area.
- 7b.11 The IGTPSP stresses the rights to and security of a home, which should be defined to include sites which are home to gypsies/travellers, and notes the difficulties of travellers in obtaining planning permission for private sites.

Consultation Responses

- 7b.12 The consultation responses have been summarised in Section 4 of this report. Planning conditions could be imposed to cover the various matters raised in these responses. The Roads Development Unit have no outstanding issues with regard to flood risk. The comments by the Travelling Persons Officer are noted.

Planning History

- 7b.13 The previous application (ref: P/09/0190/FUL) is referred to in paragraph 3.1 of this report. The application was refused on the grounds of flood risk and amenity.
- 7b.14 The Roads Development Unit previously raised concerns regarding land raising at the site, the impact of loss of storage capacity on development elsewhere and the potential for flooding of the site. As part of the current application, the applicant has clarified the amount of land raising and the Roads Development Unit, as informed by their flood consultants, have accepted that the impact on flood risk elsewhere would be minimal. In addition, the Council's flood consultants accept that even extreme events are unlikely to impact on the site. It is therefore considered that the previous flood risk concerns have now been adequately addressed.
- 7b.15 The other reason for refusal of the previous application related to adverse effect on the character, appearance and amenity of the area. In particular, concern was raised that the proximity of one of the caravans to the public road heightened the visual impact and the proposed roadside hedge would have only a limited screening function as it was proposed within the visibility zone for the access, and so would have to be maintained at a height not exceeding 1 metre. The current application positions the static caravans close to the western boundary, well away from the road boundary, and therefore reduces the roadside impact. In addition, new planting is proposed outwith the visibility zone, thereby allowing the potential for higher screening to be provided. Whilst it is acknowledged that the size of the site has increased, it is considered that the previous amenity issues have been adequately addressed.

Representations Received

7b.16 The grounds for the objections to the application are summarised in Section 6 of this report. In response, the following comments are considered to be relevant:

- The current application seeks to address the grounds for refusal of the previous application (ref: P/09/0190/FUL);
- It is acknowledged that the site has expanded to the north from the previous application, but it does not provide for any additional static caravans;
- Scottish Government guidance suggests that applications for small gypsy traveller sites should be treated as "agricultural" rather than "residential", which in turn suggests the need for a rural location;
- It is acknowledged that there is another (larger) gypsy/traveller site on Beam Road, in close proximity to the site;
- It is recognised that existing mature planting and the provision of new screening can play an important role in integrating new development into the countryside. This development is set against mature trees and new planting, including a landscaped mound, is proposed. The new planting should, over time, reduce the visual impact and help integrate the development into its surroundings;
- The applicant has advised that the site is connected to the water supply network and that electricity is provided by a diesel generator; and
- The applicant has submitted a copy of the SEPA registration document authorising the septic tank and discharge to land via a soakaway.

7c Conclusion

7c.1 The application is considered to accord with the Development Plan, for the reasons detailed in this report. The material considerations are detailed in the report and it is considered that there are no such considerations to justify setting aside the terms of the Development Plan. Whilst acknowledging that the size of the site has increased from the original application, it is considered that, overall, the amendments to the scheme and the submission of further information adequately address the previous grounds for refusal. The application is therefore recommended for approval subject to the imposition of appropriate conditions.

8. RECOMMENDATION

8.1 It is therefore recommended that Committee grant planning permission subject to the following conditions:-

- (1) This permission shall enure for the benefit of the applicants and their dependants within the travelling/gypsy community only.

- (2) The number of caravans occupying the site shall not exceed two static caravans and two touring caravans, unless otherwise agreed in writing by this Planning Authority.
- (3) Within 3 months of the date of this decision, the application site shall be laid out in full accordance with approved plan 05B, except as may otherwise be indicated in Condition 4.
- (4) Unless otherwise agreed in writing, the proposed boundary planting and mound indicated on approved plan 05B shall be fully implemented by the end of the first planting season following the date of this decision, in accordance with a schedule of plants (to comprise species, plant sizes and proposed numbers/density) and profiles for the mound approved in writing by this Planning Authority.
- (5) For a period of 5 years from the date of planting (as agreed in writing by the Planning Authority), any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually.
- (6) The vehicular access shown on approved plan 05B shall be constructed and maintained in a manner to ensure that no surface water or loose material is discharged onto the public road.
- (7) The 2.5 metre wide visibility zone shown on approved plan 05B shall be maintained clear of any obstruction to visibility exceeding 1 metre in height above carriageway level at all times.
- (8) There shall be no open storage of scrap or waste, vehicle parts, tyres or other material on the site.
- (9) The parking spaces shown on approved plan 05B shall be maintained for vehicle parking, free of obstruction, at all times, unless otherwise agreed in writing by this Planning Authority.

Reason(s):-

- (1) In recognition of the particular needs of the travelling family and to ensure that the site is not occupied by people for whom these needs do not apply.
- (2) To control the scale of the development, in the interests of local amenity.
- (3-5,8) To protect the visual amenity of the surrounding countryside.
- (6-7) To safeguard the interests of the users of the public highway.
- (9) To ensure that adequate parking is maintained on the site.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04 and 05D.

- (2) The vehicular access will require a Minor Roadworks Consent, approved and issued by Development Services, Earls Road, Grangemouth.
- (3) The foul discharge is required to comply with the Water Environmental (Controlled Activities) (Scotland) Regulations (CAR) administered by SEPA.
- (4) The Planning Authority should be contacted if any made ground or suspect material is encountered during any site works, as there would be a requirement to undertake an appropriate contaminated land assessment.

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Director of Development Services

Date: 12 June, 2012

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan.
3. Scottish Planning Policy (February 2010).
4. The Secretary of States' Advisory Committee for Scotland's Travelling People (ACSTP) Guidance Notes for Site Provision for Travelling People (GNSPTP), 1997.
5. The Terms and Recommendations of the ACSTP's Ninth and Final Report of the Advisory Committee on Scotland's Travelling People, 1998-99.
6. The Scottish Parliament Equal Opportunities Committee 1st Report 2001, inquiry into Gypsy Travellers and Public Sectors Policies. (IGTPSP).
7. Letter of Objection from Mrs Mary Fraser, Leyswood Cottage, High Bonnybridge, Bonnybridge FK4 2EU on 6 October 2011
8. Letter of Objection from J D and M A Connell, South Drum, Bonnybridge FK4 2EU on 28 November 2011
9. Letter of Objection from Mr Alasdair MacLeod, 19 Dunure Street, Bonnybridge FK4 1EF on 29 November 2011.
10. Letter of Objection from Mr Sean MacCabe 127 Falkirk Road, Bonnybridge FK4 1BA on 8 October 2011.
11. Letter of Objection from Mr Alasdair MacLeod, 19 Dunure Street, Bonnybridge FK4 1EF on 4 October 2011.
12. Letter of Objection from J D and M A Connell, South Drum, Bonnybridge FK4 2EU on 7 October 2011.
13. Letter of Objection from Mrs May Fraser, Leyswood Cottage, High Bonnybridge, Bonnybridge, FK4 2EU on 24 November 2011.

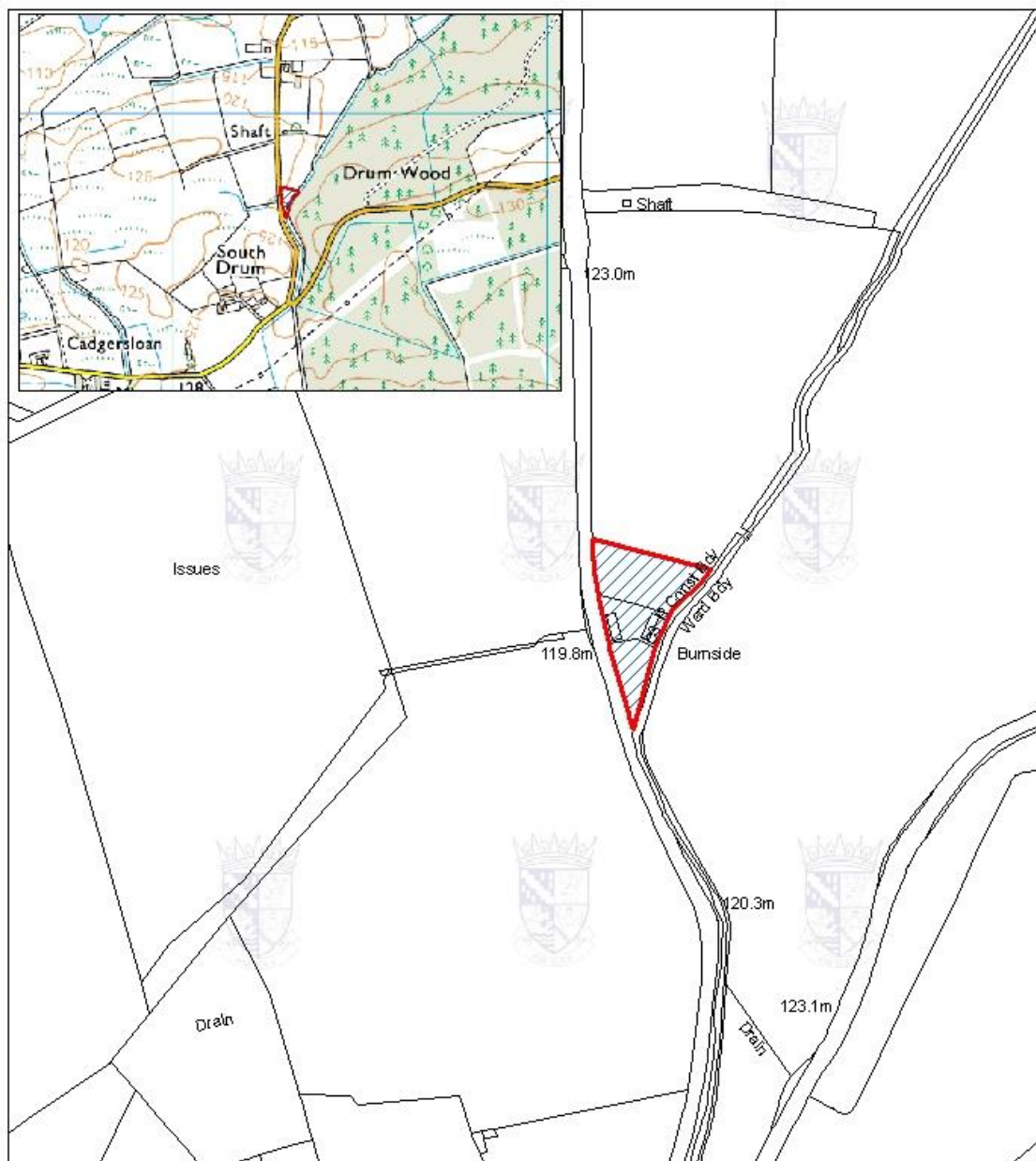
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/11/0611/FUL

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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